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Attorneys for Defendants Lisa R. Kirby, Barbara J.  
Kirby, Neal L. Kirby and Susan M. Kirby

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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MARVEL WORLDWIDE, INC.,  
MARVEL CHARACTERS, INC. and  
MVL RIGHTS, LLC,

Plaintiffs,

-against-

LISA R. KIRBY, BARBARA J. KIRBY,  
NEAL L. KIRBY and SUSAN M. KIRBY,

Defendants.

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LISA R. KIRBY, BARBARA J. KIRBY,  
NEAL L. KIRBY and SUSAN M. KIRBY,

Counterclaimants,

-against-

MARVEL ENTERTAINMENT, INC.,  
MARVEL WORLDWIDE, INC.,  
MARVEL CHARACTERS, INC., MVL  
RIGHTS, LLC, THE WALT DISNEY  
COMPANY and DOES 1 through 10,

Counterclaim-Defendants.

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Civil Action No. 10-141 (CM) (KF)

**[REDACTED] CONFIDENTIAL  
DECLARATION OF MARC  
TOBEROFF IN SUPPORT OF  
DEFENDANTS' OPPOSITION TO  
PLAINTIFFS' MOTION FOR  
SUMMARY JUDGMENT**

**[REDACTED]**

**[ORIGINAL FILED UNDER SEAL]**

[Hon. Colleen McMahon]

[ECF Case]

I, Marc Toberoff, hereby declare as follows:

1. I am familiar with the facts set forth below and make this declaration in further support of defendants' opposition to plaintiffs' Motion for Summary Judgment. The facts set forth herein are known to me of my own personal firsthand knowledge and, if called as a witness, I could and would testify competently thereto under oath.
2. I am an attorney and the founding partner of Toberoff & Associates, P.C., located at 2049 Century Park East, Suite 3630, Los Angeles, California, 90067.
3. My firm represents Lisa R. Kirby, Barbara J. Kirby, Neal L. Kirby and Susan M. Kirby (the "Kirbys"), the children of legendary comic book artist and writer Jack Kirby.



I declare under the penalty of perjury that to the best of my knowledge the foregoing is true and correct.

Dated: March 25, 2011

/s/ Marc Toberoff  
Marc Toberoff

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that the foregoing was served electronically by the Court's ECF system and by first class mail on those parties not registered for ECF pursuant to the rules of this court.

Dated: March 25, 2011

TOBEROFF & ASSOCIATES, P.C.

By: /s/Marc Toberoff

Marc Toberoff (MT 4862)

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